

1

2

3

4

5

6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**

8

9 SEAN COTTLE, et al.,

10 Plaintiff,

11 vs.

12 DOUG GILLESPIE, et al.,

13 Defendants.

Case No. 2:10-CV-00271-JCM-(PAL)

ORDER

14

15 Presently before the court is pro se plaintiff Sean Cottle's motion to reconsider this court's
16 order granting in part and denying in part defendants' motions to dismiss. (Doc. #70). Defendants
17 Douglas Gillespie, Clark County Detention Center and Las Vegas Metropolitan Police Department
18 have responded (doc. #74) and plaintiff has replied (doc. 75).

19 This court entered its order (doc. #69) on July 6, 2011. On July 18, 2011, plaintiff filed the
20 instant motion to reconsider the July 6, 2011, order. On July 25, 2011, prior to this court's ruling on
21 the motion to reconsider, plaintiff filed a notice of appeal, seeking review of the July 6, 2011, order
22 by the Ninth Circuit Court of Appeals.

23 Plaintiff's appeal has divested this court of jurisdiction to reconsider the July 6, 2011, order.
24 *See Mayweathers v. Newland*, 258 F.3d 930, 935 (9th Cir. 2001) (once a notice of appeal is filed
25 "jurisdiction over the matter being appealed normally transfers from the district court to the appeals
26 court."); *see also Griggs v. Provident Consumer Discount Co.*, 459 U.S. 56, 58 (1982) (per curiam)
27 ("The filing of a notice of appeal . . . confers jurisdiction on the court of appeals and divests the
28 district court of its control over those aspects of the case involved in the appeal.").

1 Accordingly, it is hereby ORDERED, ADJUDGED, AND DECREED, that plaintiff's
2 motion for reconsideration (doc. #70) be, and the same hereby is, DENIED without prejudice.

3 DATED September 7, 2011.

4 

5 JAMES C. MAHAN
6 United States District Judge

7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28